

SEP 17 2004

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	CAUSE NO.: A-1581
DEPARTMENT OF INSURANCE,)	
)	
PETITIONER,)	
)	FINDINGS OF FACT,
vs.)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VERNA I. HUDSON,)	ORDER
)	
RESPONDENT.)	

This matter came on for hearing on the 8th day of September, 2004, before Christine M. Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Eric Dunning. Verna I. Hudson ("Respondent") was not present and was not represented by counsel. The Rules of Evidence were not requested and the hearing was governed accordingly. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence in the form of exhibits and the testimony of Beverly Creager, Producer Licensing Administrator, was introduced and the matter taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent was a licensed non-resident insurance producer whose registered business address with the Department is Box 915, Orange Park, FL 32067. (Ex. 1).
2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. On or about July 28, 2004, the Petition and Notice of Hearing were served upon Respondent by mailing the same to her addresses of record by certified mail, return receipt requested. On or about August 23, 2004, the certified envelope sent to the P.O. Box 449, Fremont, Nebraska address was returned to the Department marked "Unclaimed" as evidenced by the attachment to Exhibit 1. However, it appears that a Deborah Kelso signed the receipt for this letter and attempted to forward it to an address at P.O. Box 915, Orange Park, FL 32067-0915, but the forwarding was unsuccessful when the envelope was returned to the Department. The certified envelope sent to the 14 Belmont Boulevard, Orange Park, Florida address has not been returned to the Department nor has the Department received the certified return receipt card. (Ex. 1).

4. On or about March 4, 2003, the Department of Insurance received notification that Respondent was deceased and added that information into Respondent's licensing records. (Ex. 2). At some later point in time, the Department, through Beverly Creager, was notified by the Florida Department of Insurance that Respondent pled guilty to a Class II Felony of Grand Theft on or about October 8, 2003. (Exs. 3, 4, 5).

5. Respondent did not notify the Department of this criminal prosecution within thirty days of the date of her arraignment or date of waiver of arraignment, if waived.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to *Neb. Rev. Stat. §44-4041 et seq.*

2. The Department has personal jurisdiction over Respondent.

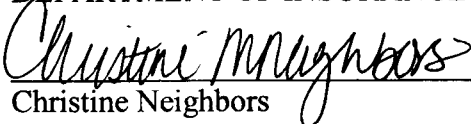
3. Respondent violated *Neb. Rev. Stat. §44-4059(1)(f)* when convicted of a felony.

4. Respondent violated *Neb. Rev. Stat. §44-4059(1)(b)* when she did not follow the requirement of *Neb. Rev. Stat. §44-4065(2)* and notify the Department within thirty days of arraignment or date of waiver of arraignment, if waived, of the criminal prosecution.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's insurance producer's license be revoked.


Dated this 9th day of September, 2004.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Christine Neighbors
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. Verna I. Hudson, Cause No.: A-1581.

Dated this 17th day of September, 2004.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order was served upon the Respondent by mailing a copy to Respondent at P.O. Box 915, Orange Park, FL 32067 and 14 Belmont Boulevard, Orange Park FL 32073 by certified mail, return receipt requested and by U.S. Mail, postage prepaid, on this 20th day of September, 2004.

